

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Criminal No. 12-CR-20219

vs.

HON. BERNARD A. FRIEDMAN

JEFFREY SCOTT HARTMAN,

Defendant.

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**ORDER TRANSFERRING DEFENDANT’S MOTION FOR  
A WRIT OF ERROR CORAM NOBIS TO THE UNITED STATES  
COURT OF APPEALS FOR THE SIXTH CIRCUIT**

This matter is presently before the Court on defendant’s motion for a writ of error coram nobis [docket entry 40]. For the following reasons, the Court shall transfer this motion to the court of appeals.

While the ancient writ of coram nobis has been abolished in the federal courts, *see* Fed. R. Civ. P. 60(e), in substance, defendant’s motion is a second or successive motion under 28 U.S.C. § 2255. In the instant motion, defendant states that he “was convicted of a crime never committed, as a matter of law,” that “the government held no jurisdiction to prosecute, with this lawcourt holding no subject-matter jurisdiction to hear the purported fabricated case,” and that “[t]herefore, [he has] served an illegal 37 months in captivity deprived of [his] liberty in violation of [his] constitutional rights.” Def.’s Mot. ¶¶ 2, 6, 12. In effect, defendant is asking the Court to vacate his conviction. Because defendant has previously filed a § 2255 motion, *see* docket entry 26, he cannot file a second one without first obtaining permission from the Sixth Circuit. *See* § 2255(h). When, as here, defendant does not show that he has obtained the required court of appeals’ permission, the Court must transfer the case to the Sixth Circuit pursuant to 28 U.S.C. § 1631. *See In re Sims*, 111 F.3d 45, 47 (6th Cir. 1997)

(holding that “when a second or successive petition for habeas corpus relief or § 2255 motion is filed in the district court without § 2244(b)(3) authorization from this court, the district court shall transfer the document to this court pursuant to 28 U.S.C. § 1631”). Accordingly,

IT IS ORDERED that the Clerk of this Court transfer defendant’s “motion for error coram nobis” [docket entry 40] to the United States Court of Appeals for the Sixth Circuit pursuant to § 1631 and *In re Sim*, 111 F.3d at 47.

Dated: June 16, 2021  
Detroit, Michigan

s/Bernard A. Friedman  
BERNARD A. FRIEDMAN  
SENIOR UNITED STATES DISTRICT JUDGE